

**WASHINGTON COUNTY GENEALOGICAL SOCIETY
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**WASHINGTON COUNTY GENEALOGICAL SOCIETY
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**Washington County
Genealogical Society
File Copy**



MARRIAGE BOND
William Spruill to Sarah Norman
31 January 1786

STATE OF NORTH CAROLINA.

K NOW all Men by these Presents, That we *William Spruill*
Richard Caswell
John Long
are bea and firmly bound unto his Excellency *Richard Caswell*
Esquire, Governor, Captain General and Commander in Chief
of the State aforesaid, in the just and full Sum of Three hundred Pounds current
Money of the State aforesaid, to be paid to his said Excellency the Governor, his
Successors or Assigns, to the which Payment well and truly to be made and done we
bind ourselves, our Heirs, Executors, Administrators and Assigns, jointly and severally,
firmly by these Presents: Sealed with our Seals, and Dated this *Thirty first*
Day of *January* Anno Domini, 1786

T HE CONDITION of the above Obligation is such, That whereas the
Above bound, *William Spruill*
hath made Application for a Licence for a Marriage to be celebrated between
him and *Sarah Norman* of the County
aforesaid: Now in case it shall not appear hereafter that there is any lawful Cause to obstruct
the said Marriage, then the above Obligation to be void; otherwise to remain in full Force
and Virtue.

Signed, Sealed and Delivered,
in Presence of

William Spruill Seal

Richard Spruill Seal

John Long Seal

HAVE FUN!

Jeanne Eddy Westin, in her easily read, humorous, *Finding Your Roots* (Ballantine Books) tells us: "I once asked a long-time professional genealogist what she advised beginners to do, expecting a very learned reply. Her answer: 'Have Fun'."

What splendid advice, not only for beginners, but equally for those who, like most of us, are a bit farther advanced.

What is genealogical fun? Some, we have observed, seem to find fun in reporting only the laudable events in their ancestor's lives....often ending up with merely names and dates. Sometimes an offending forebear is simply swept under the rug. Others cheerfully accept the fact that our ancestors well into the nineteenth century were more akin, in spirit and act, to the lusty, brawling Elizabethans than to the hypocritical Victorians, and happily record every scrap of information to be found. These, surely, have the most fun!

We feel obliged, now and then (much to the relief of our typist), to remind that we try to transcribe old documents exactly as originally written. Spelling, capitalization, and punctuation (or lack thereof) are faithfully reproduced. We make but sparing use of ("sic").

Our hearty thanks to all who contributed to this edition.

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GIRARD W. PHELPS

(Editor's Note: We first met Girard W. Phelps in our Spring Journal 1993, and again had the pleasure of his company in the *Civil War Reader* article "The Cannon and the Cross", April 1995. The following article by his son, Ryland Thornton Phelps, was written in 1930.

The contributor of this article, grandson of Ryland, describes his grandfather as a "pack rat" who went about collecting all the family records to be found. Would that we all had such a grandfather!)

REV. GIRARD WILLIAM PHELPS, 1832-1918

Was the son of Jeremiah Phelps and his wife Debora Phelps, (ne Fortune), of Washington County, North Carolina. He was born July 14, 1832 near Scuppernong, (now Creswell), in Washington County, an older member of a family of three boys and three girls. Of these, all died as children, except Penelope, who married Daniel Shepherd Phelps [later addition: (a different line)], and our Father, William Girard Lawrence Warren, who early dropped the last two names and later reversed the other two. When Father was about twelve years old his father died from the effects of a kick from a horse [TMP note: records of St. David's Parish show Jeremiah Phelps buried February 25, 1849, which would have made Girard 16 - if this is the same Jeremiah Phelps!], and the family was left not well-provided for. After many hardships, by his own endeavors with the assistance of his friend Mr. Josiah Collins, he succeeded in completing his education and fulfilling his life-long ambition of becoming a minister of the Protestant Episcopal Church. His studies from 1856 to 1859 were pursued under Mr. Buxton, who at that time had a school in Asheville, North Carolina. During this period Father took an active interest in social life, and developed the ability, which in after years stood him in good stead, of meeting easily with all classes. Returning to Washington County in December 1859, he continued his studies under difficulties, at the same time supporting his Mother and sister.

The outbreak of the Civil War upset his plans for the time being. In the fall of 1861 he joined the Washington County militia, and on May 3, 1862 (War Dept. records show May 3, his own May 4, 1862) he enlisted in a company of volunteers raised in that county for the Confederate Army. His mother had been married a second time March 27, 1862 to Robinson Davenport, Senior, and his sister having been married some time previously, he felt free to go. He was mustered into service May 29, 1862, at Camp Magnum near Raleigh, North Carolina, as Private in Company G, 17th North Carolina Infantry, and served as such with his regiment in the field for nearly a year. On April 28, 1863 he was detailed to the Wayside Hospital at Kinston, North Carolina, where he remained until December of that year. He was ordained Deacon of the Protestant Episcopal church on the fourteenth of December by Bishop Atkinson in Emmanuel Church at Warrenton, North Carolina, and rejoined his regiment, then at Wilmington, about the first of January, 1864. Shortly after he was appointed Chaplain, and received his commission March 24, to rank as such from January 15, 1864. In May of that year Colonel Lamb of his regiment was severely wounded near Petersburg, Virginia, and later died in that city. Father attended him until his death, and under special orders (Special Orders 173, XXXV from War Dept. at Richmond) remained then on hospital duty in Petersburg until the end of the year. During this time he met and in September became engaged to Miss Mary

Randolph of Petersburg. In January he rejoined his regiment, again in eastern North Carolina, and was present at the fall of Wilmington, Kinston and several other places. Recalled to Petersburg about the end of March, he was in that city at the surrender, and was given a temporary parole on April 6th. On June 19th he was granted a final parole under the amnesty proclamation of May 29th, 1865.

At 7:30 P.M., April 25, 1865, Father was married to our Mother, Mary Randolph, at her home in Petersburg. The ceremony was performed by Rev. Churchill I. Gibson, Mother's pastor, who having refused to take the oath of allegiance to the United States was not permitted to open his church. Father and Mother remained in Petersburg, where he assisted the other ministers of the city, until January 1866. On the fourth of January they went to Washington County, North Carolina, where Father taught school and preached at St. David's Episcopal church. Leaving Washington County October 15, 1866, he took charge of the church work in and around Gatesville, Gates County, N.C. He was licensed to preach by Bishop Atkinson on April 12, 1867. During his stay in Gatesville he underwent many trials and privations, though, as stated in his journals, not unmixed with blessings. Life, none too easy for the average preacher at any time, was infinitely less so during the reconstruction period in the South. Father was ordained to the priesthood, this time also by Bishop Atkinson, on May 23, 1869 in Christ Church, Raleigh, N.C. Returning to the diocese of Virginia, he took charge of St. Peters Church in Suffolk and of another about ten miles south from that city on May 14, 1871. He remained in Virginia, however, only about eighteen months, removing on October 2, 1872 again to North Carolina, and taking charge of the church work in Wilson and Rocky Mount. Here he was highly thought of, and for several years his work prospered, but circumstances arising beyond his control he deemed it best in the summer of 1879 to leave Wilson and accept a call to St. George's Church in Hyde County, North Carolina. This move proved unwise, and finding it impossible to support his family, he once more returned to the diocese of Virginia. On the first of March, 1881, he assumed charge of mission work including Grace Church, Meherrin Parish, in Greenville County, near the present town of Purdy; a church in Hicksford, (now Emporia), and a church in Littleton, Sussex County. He lived for a time at the rectory adjacent to Grace Church, but in the spring of 1883 bought a farm containing about 100 acres located several miles east from the church, which he named Rosedale, and moved his family there. In the fall of 1891, Father relinquished the churches in Greenville and Sussex Counties and went to Shelby in western North Carolina. Here he had charge of mission work with churches in Shelby, Rutherfordton, Marion, Old Fort and other places. The family did not move to North Carolina, though Mother joined him in Shelby a short time later and remained during the greater part of his stay in that section, leaving the farm in charge of the older children. In May 1895 Father went to Littleton, North Carolina, having in charges the churches at that place, Gaston, Ringwood, and others. There Mother, with those of the children still at home, joined him in September, 1895. The farm in Greenville County was left in the care of their son Everard, who had married and was living there with his family. The pastorate of Trinity Parish being offered him, Father moved to Scotland Neck, Halifax County, N.C., July 8, 1898. There he remained until his retirement from active work in 1908. In the spring of 1908, having some years previously sold "Rosedale", he purchased a lot and built a house in the new town of Victoria in Lunenburg County, Virginia, and moved his family there July 8, 1908. No Episcopal church being in the town at that time, notwithstanding he was supposed to have retired, Father devoted much time and energy to establishing a

church. A small building was erected, since replaced by a brick building on another location, and named St. Andrew's Church. Beginning with June 6, 1909, he held services there as regularly as his health would permit until shortly before his death on December 5, 1918. He was laid to rest in the cemetery at Grace Church, Greenville County, where he had faithfully served as rector, and where his eldest son, Randolph, had preceded him several months earlier.

Throughout the nearly fifty-five years, including his military service as Chaplain, which Father spent in the active discharge of his chosen profession, duty and service to God and mankind dictated his every act. Self-forgetful to a fault, he would seek no preferment, almost to the extent of hindering his work thereby. The Holy Bible and Book of Common Prayer he made the rule and guide of his conduct, walking uprightly before God and man and fitting his actions always by the square of virtue. Adhering strictly to the tenets of his own profession, he yet met every color, sect and opinion on the broad level of humanity, demanding only sincerity and plain dealing. In return he rendered to every man his just due without distinction of wealth or position. To those who knew him no eulogy is required, and his unselfish devotion to his family will long remain a tradition among his descendants.

1930 RTP

TMP



"Scots came up the Cape Fear to the rocks and put up a sign: "Better land farther west". Those who could read went to Laurinburg: those who couldn't stayed at Fayetteville."

Former Governor Terry Sanford

(A Conversation with Five Governors: UNC TV, 1994.)



JOSEPH NEWBURY

1802-1895

Joseph Newbury, the seventh son of John and Joanna (Swain) Newbury, was an overseer at the Josiah Collins plantation. Eliza Anna Stuart Elder, born in New York City and recently widowed, and saddened by the loss of her only child, became the governess for the Collins children. These two were married the 27 of December, 1838 and lived at the adjoining Newberry plantation. They raised nine children including our direct line, Edward Stuart Elder Newbury. He fought for the Union during the Civil War and was disinherited by his father.

RSN

DON'T MESS WITH THAT CEMETERY!

It is a known fact that the farm lands in the Mt. Tabor Community near Creswell, North Carolina drain into the Scuppernong River via its many little streams and runs and then into the River Swamp, as we call it, where the water is filtered and enters the river. Ditches through the farms must be dug and maintained for good drainage.

Such was the setting many years ago when a neighborhood farm needed another drainage ditch and it appeared the most strategic point would be straight through what is today property of Tim Biggs and Ken Spruill, across Mt. Tabor Road, through property of Bob Phelps, Leroy Haire, and the Old Run into the River Swamp and on to Cherry into the Scuppernong. This is a very old (well over one hundred years old) landmark and, of course, the property has changed hands many times since then.

There was a "certain widow" who owned the property where Tim Biggs now lives and she had a son that was just old enough to dig and help with the project. The new ditch was to be dug on the east side of her property which joins the Haire property line. A very old cemetery was located on the eastern end of her yard. Today, all that remains is a few tombstones in one corner. however, most of us can remember when there were many more stones there. They kept crumbling and falling over and it seemed no one cared—so the landowner at the time would keep clearing it and kept it neat and clean. He probably thought a clean resting place was more honorable than one that was unkempt and overtaken with bushes and weeds. Many of their families probably were long gone as quite naturally happens everywhere over the years.

Well—when the ditch digging reached her yard, it was discovered that there was a lot more cemetery than they thought. They began to dig up bones, human bones!...evidence that this cemetery had extended many years ago over the Haire line also! No one has any idea how old it was or where it stopped. The diggers, of course, knew it was not a good idea to disturb the "dead" anywhere, any time, and at once ceased their digging. It was at this point the widow made her son continue digging through the cemetery, bones and all!

According to some of the older people of the neighborhood, the son was taken sick soon after the ditch was completed. Very sick! They say the marrow in his bones dried up and he died a horrible death because he had desecrated the resting place of those bones!

How much of this is fact and how much is "old timey tales", we cannot be certain. Maybe some, maybe none! Nevertheless, it is a warning to be heeded. Who knows what ill fate may yet come to those who have disturbed so many such resting places? Would you take such a chance?

VCH



"The farther back you can look, the farther forward you are likely to see."

Attributed to Winston Churchill

THINGS THAT GO “BUMP” IN THE BARN

On the farm where I was born there was an ancient barn. Not a barn for sheltering farm animals—the stock house stood apart—but a barn originally for small grains (rice, oats, and wheat) and all sorts of things other than hay and corn “in the shuck”. There, too, was the wine room, with its oaken barrels and kegs and a wickered demi-john or two. The windows closed with wooden shutters, and the main door’s wood-cased lock was activated by a great brass key.

The stairs to the loft had treads wide and long, and rose more gently than those of the dwelling house. It was years later, after the old barn had rotted away under new ownership, that it dawned on me why a barn had such easy stairs. Those stairs were designed for use by men bearing heavy burdens on their backs.

It was a deliciously chilling adventure for a five year old boy to mount those stairs with (and close to, you bet) his Dad. For there, in the shafts of dusty, golden sunlight slanting through the cracks in the west gable, was The Box!

That wooden box was half filled with flax grown on the place long years ago, and nestled upon the flax was a grinning human skull.....which brings us to our little story, told to me by my father.

After the Civil War, theft by freed Negroes was rampant. It must have been about that time that the skull came to rest in its flaxen bed. The presence of the bony, grinning upstairs tenant quickly became known to the thieves, and had a salubrious effect. And it was soon found to have talents quite unsuspected at the time it was placed there.

The barn’s roof began to leak, so tar was applied liberally to cracks and crannies and other suspected trouble spots. The tar in the cracks would expand during the heat of day, and would contract in cool of night. The contraction caused noises....sometimes low and ominous, sometimes like pistol shots.

Of course, it didn’t take the thieves long to figure out that the noises came from the skull in the loft. and the farm enjoyed a long respite from nocturnal visitations. But the Snell family came almost to rue their effective security system. It took some “getting used” to sleeping, little more than 150 feet from the barn, with the skull moaning and groaning and loosing a volley of pistol shots, any time it felt like it, through the watches of the night.

The barn of our story stood in Skinnersville Township near the Scuppernong line. It was likely built by Abijah Snell (1767-1824); less likely by his son Franklin (1806-1860). Franklin’s son, Eli (1839-1907), became the stepfather of my father, Henderson Andrew Norman (1880-1965), upon his marriage (1884) to Maria Clayton Norman (1848-1920), widow of Henderson Norman (1845-1880).

EAN



“TO SUPPORT THE CONSTITUTION”

This is the second in our series of the naturalization cases found among the Minutes of the Tyrrell and Washington Superior Courts. Others will follow in chronological order.

We invite descendants of these men to submit an article, or any information, on their ancestor.

Friday Mar. 2 1846

Spring Term 1846

John G. Smith

Petition for Naturalization

To the Court

Superior Court of Law for the County of Washington at Term 2d Monday
March 1846

Upon hearing the petition of John G. Smith in this case praying that he may be admitted to all the rights and privileges of a naturalized citizen of the United States and it appearing to the Court, by the evidence adduced, that the said John G. Smith, a native of Cheshire England, hath been residing in the limits of said United States of America ever since the 5th day of August 1835 and that he duly filed in the Court of Pleas and Quarter Sessions of our county of Washington Aforesaid some years ago his declaration in writing setting forth that it was bona fide his intention to become a citizen of our United States, and it further appearing that since the said declaration the number of years has elapsed that the Act of Congress prescribes for the filing declaration by foreigners previous to their being naturalized and it being satisfactorily proved to the court that the said John G. Smith is a man of good and fair moral character and that he hath qualified himself to become a naturalized citizen of the United States by his residence and compliance with the Act of Congress in such cases made and provided, it is ordered by the court that the oaths prescribed 2 be administered to the said John G. Smith, whereupon the said John G. Smith in open court took the oath, by the law required of persons becoming naturalized citizens, and it is adjudged and decreed that the said John G. Smith be and he is hereby declared a naturalized citizen of the United States of America and as such entitled to all the rights and privileges of a naturalized citizen of the United States.



According to *The Family Tree*, an English publication, four different races make up the British people—The Scots, who keep the Sabbath and everything else they can lay their hand on; the Welsh, who pray on their knees and on their neighbors; the Irish, who don't know what the devil they want, but are willing to die for it; and the English, who consider themselves a race of self-made men, thereby relieving the Almighty of a dread responsibility.

(LeDespencer, Volume 17, Number 1, February 1993.)

TIDBITS

1816 James Court to Mary Claghorn WSH CO D.B. D p. 212 “love, good will, affection towards my beloved friend and cousin Mary Claghorn, wife of Benjamin Claghorn”....all property of any description real or personal that may hereafter be recovered from the representatives of Bells and McCraes which I the sd James Court and Mary Claghorn are supposed to be heirs to.

1850 Thomas B. Nicholls, Clk, & M. to A.J. Mizell & W.W. Mizell WSH CO D.B. K p. 171 “Narcissa Harrison (now Mizell) widow of J.J. Harrison” My note: Narcissa appears in 1850 census in household of Anson J. Mizell with 5 Harrison minors.

1811 Levi Fagan & Frances Fagan to Thomas Walker WSH CO D.B. C 277/305 200 A. which descended to Frances, wife of Levi, from her father Richard Stubbs, reserving 1/3 part until the death of Mrs. Penelope Draper, the present wife of Mr. Willis Draper.

1852 Thomas J. Walker to Joshua S. Swift WSH CO D.B. M p. 193 It being the land I inherited from my grandfather Thomas Walker, Esqr. late of Washington County & known as John or Micajah Stubbs land. My note: Thomas J. Walker appears in the 1850 census as age 21. The deed in which Thomas Walker obtained this land is WSH CO D.B. B p. 201 (1804).

1831 John Hardison & Mary Hardison his wife to Jacob Wilkerson WSH CO D.B. G p. 305 being the land inherited by the said Mary from her father William Stubbs. My Note: This deed is for 106 A. Actually Mary inherited 68 A. from her father & 38 A. from her sister Sally Ann Stubbs who died in 1826. George Harrison married Margaret (Peggy) Stubbs. She inherited 68 A. from her father & 52 A. from her sister Sally Ann Stubbs.

1856 A.J. Mizell to Edwin S. Everett & James Wilkerson WSH CO D.B. L p. 420 part of property is being conveyed including one acre of high ground of Lees Mills with the dwelling house “now occupied by Dr. R.S. Halsey” also the store and warehouse “occupied by James A. Melson”.

1856 Anson J. Mizell to Jesse Collins WSH CO D.B. L p. 485 40 A. “known as a part of the land formerly belonging to Hezekiah Chesson Dec’d. and whereon George W. Chesson now lives”.

1854 A.J. Mizell to Jordan W. Mizell WSH CO D.B. L p. 378 all my right and interest in the lands belonging to the estate of Duran Mizell Dec’d. & all my right & interest in the lands belonging to the estate of Wilson W. Mizell Dec’d. ...known by the name of Jones Land, Peacock Land & Aires Land.

1811 Taylor Walker to John D. Patterson WSH CO D.B. C 209/237 containing in said boundaries all the land divided to me and my brother by the will of my Father Edward Walker dec’d.

1821 Reuben Carnal of Parish of Rapide, State of Louisiana to Thomas Cox power of attorney

DHS

SWAIN FAMILY ALBEMARLE PROVINCE

Carolina cannot precisely date its beginnings as a community from the Raleigh attempt at colonization on Roanoke Island in 1585 for, success or not, that event belongs to our entire nation; settlements in Colonial Carolina did not follow directly. The Jamestown attempt in 1607 had no collateral effect southward until the Virginia Colony became well established, which took twenty years or so. Settlements in New England beginning with Plymouth in 1620 needed a consolidation period also. The stream of immigration from England, however, began soon after Jamestown and records show that during the twenty years after 1607 nearly ten thousand colonists passed into Chesapeake Bay, not forty leagues to the North, yet not one ship landed a passenger on the Carolina coast.

Settlers did come to Northeast Carolina. Since the barrier reefs along the coast denied passage from the East by sea, settlers came from the North overland; from colonies with better seaports. There were reports from hunters and explorers with glowing accounts of the abundance found, the fertile bottom lands, game and fish, the ideal climate. Thomas Woodward, however, in 1665 declared that those first people came on account of the availability of fertile land only, the favorable climate a welcome premium. Robert Lawrence in 1707, among other things, said that in 1661 he seated a plantation on the Southwest side of Chowan River where he lived for seven years. He mentioned the names of others who early settled there: Thomas Relfe, Samuel Pricklove, Caleb Calloway, George Catchmaid, John Jenkins, John Harvey, Thomas Jarvis and George Durant.

The trickle of settlers by 1663 became evident enough to attract attention in England, where a group of English Courtiers decided they could see in the region an opportunity to colonize the country and thereby acquire power and large returns in wealth, and accordingly sought a grant from the king. Charles II, in that year, complied by issuing his charter to the group, the eight Lords Proprietors, by which he created Carolina. Immediately the Lords Proprietors set about establishing the first government, which was confined to Albemarle County, embracing a region forty square miles (later changed to 1600 square miles) and located Northeast of Chowan River. In 1664 William Drummond was commissioned Governor, along with detailed instructions for forming a government. At this beginning Albemarle County was Carolina and, some years later after the territory was divided into two colonies, it was North Carolina. From 1670 to 1696 Albemarle County was divided into four precincts, (Chowan, Pequimons, Paskatank and Caratuck). At the end of the century people began to cross the Albemarle Sound in such numbers that the Governor and Council found it expedient to erect Bath Precinct as an adjunct.

The first account of a settler bearing the Swain family name is found in "Old Albemarle County North Carolina Records - 1678-1737" and are quoted in numerical sequence as follows:

137 (torn) an Assembly held at the house of (torn) -ld in the pr-inct
Perquimans begun on Munday the Eleaventh day of Octo: Anno Com 1708 -In
the House of Burgesses. Edward Moseley Esqr. Speaker. Mr. Steph Swaine

143 1708- Received a message from lower house: The house having
appointed Mr. Stephen Swaine, Mr. Isaac Willson, Mr. Cornelius Jones & Mr.

Levi Truewhitt to joyne with two members of Yor: house in order to revieue and consider of such laws as are necessary for the public good accordingly-----

162 Friday 18th 1709- An address from ye Lower House brot. by Caleb BUNDY and Mr. Swaine.

This chronology is followed by excerpts from "The North Carolina Historical & Genealogical Register" by J.R.B. Hathaway:

Vol I No. I, p. 76 - Stephen Swaine, of Chowan. Jan. 24, 1712; sons James, John and Richard, daughter Eliza Spruill, wife Patience, daughters Mary and Patience.

From: "North Carolina Colonial Records":

p. 477 - Steph Swaine, deceased - 1713 Jno Swain - Executor. Patience Swain his wife ask that she have 1/3 of her husband's estate.

p. 138 - Year 1716 - Upon petition of Jno. Swain praying that Elizabeth Swain his sister an orphan girl bound by the precinct ct. of Chowan to Jno. Woorley Esq. may in the time of her service be taught to read by her said master.

From "Hathaway":

Vol I No. 4 p. 624 - John Swain, and wife Mary, to John Porter. A tract of land bought by my father, Stephen Swain, of Col. William Wilkinson, on the fork of Yoppim River; Dec. 3, 1718. Test, John Falconer, Jas. Ward, George Fordyce. Same to same. A tract of land on Creek Fork, of Yoppim River, 300 acres; Dec. 3 1718. Test, same as above deed.

p. 16 - John Swain. Book VIII, page 122, Oct 19 1716; 300 acres on the creek fork of Yoppim River.

While, with this much information it is possible to draw some conclusions, it is manifestly not sufficient to portray a living breathing existence. Perhaps more will come; a grave-site with engraved dates of birth and death, maybe even date of marriage; a Bible yet undiscovered with names and vital statistics of children; or letters to relatives or friends with bits of gossip or description of events. Should an educated guess be entered into this manuscript to fill in a void adjustment can easily be made if factual information is discovered.

Stephen Swain, recorded on Nantucket Island as the grandson of Richard Swain (Swayne) and as the second son of John Swain, was born November 21, 1666 and thereafter remained anonymous. Also, another early settler, though not one of the First Purchasers, was Richard Gardner, whose son, Richard Junior's first child was named, Patience. This daughter was born on June 29, 1675 and thereafter also remained anonymous. Both instances were unusual because births, marriages and deaths were kept and departures were likely noted, as well. The paradox leads to an assumption because Stephen Swain's wife was named Patience and it could very well have happened that they left Nantucket together and married elsewhere. If this can be true there is an interesting story involved, if we could but know it.

Stephen Swain's Genealogical Register is compiled, in part, as follows:

STEPHEN (1)

Stephen Swain, the second son of John Swain of Nantucket Island, the first Swain to settle in Albemarle County, which eventually became North Carolina and his wife Patience

Swain arrived in Albemarle Territory around the year 1695. Indications are that he purchased land along the Yoppim River and may have established a homestead there. Hence:

*STEPHEN SWAINE - Born November 21, 1666; married Patience Gardner, daughter of Richard and Mary Austin; died Jan 24, 1712.

*PATIENCE SWAINE - Born June 29, 1675; soon after Stephen's death, possibly in 1713-14, married Henry Speller and removed to Bertie Precinct; died Feb 3, 1738-39.

Their Children were:

1. JAMES
2. JOHN
3. RICHARD
4. ELIZA (Elizabeth)
5. MARY
6. PATIENCE

JOHN (2) STEPHEN (1)

John Swain, the second son of Stephen, was named his father's executor and pursued that duty until 1716 when he petitioned the court, acknowledged having received his portion of the estate, to allow Henry Speller (his step-father) to take remaining portion of estate into custody for the benefit of the remaining heirs. John was the recipient of the Nantucket Bible given to him by his cousin, William Swain of Nantucket. This Bible is displayed in the North Carolina Hall of History, Department of Archives and History, Raleigh, and the Family Register has been compiled from it as follows:

*JOHN SWAIN - Born -- -- 1695; married Mary Chesson; died April 06, 1749.

*MARY CHESSON - His wife.

Their Children were:

1. JEREMIAH - Born May 29, 1720.
2. JOHN - Born October 1, 1722; married Elizabeth Lanier December 15, 1766.
3. JAMES - Born February 4, 1728.
4. WILLIAM - Born November 8, 1730.
5. MARTHA - Born January 14, 1738.
6. JOANNA - Born November 24, 1739; married John Newberry July 4, 1786.
7. ELIAKIM - Born 1741; married Ann Jannett October 1783.

From the meager indications in the records JOHN (2) abided his lifetime in Albemarle County, north of Albemarle Sound. Hathaway's Register seems to bear this out, thus:

Vol 1 No. I page 97:

Jno Swaine living on ye South Shore 26 Jan 1709-10.

page 153:

Account of ye males yt is to work on ye three miles district in South Lancaster, Jno Swain. (1706).

Understanding that settlers were crossing the Albemarle Sound looking for land started as early as 1696 it would seem that the reference to ye South Shore meant south of Albemarle Sound. However Lancaster is shown on Capt. Collet's 1770 Map of North Carolina as being located Southwest of Pasquotank River, that being the likely homeplace of John Swain at that time, which was prior to his father's death. There were other transactions recorded to John Swain in the area during his lifetime, to wit:

Records of the Executive Council 1664-1734:

Page 95 - Read the petition of John Porter shewing that John Swain in the year 1716 obtained a patent for 300 acres of land which is lapsed for want of due seating and planting, praying that a lapse patent be granted to him for the same.

Page 182 - Read the petition of John Swain shewing that Jacob Blount sometimes agoe obtained a patent for 250 acres of land lying in Chowan which is not seated etc. Therefore prays a lapse patent be granted him for the same. Ordered that a patent issue as prayed for.

By the time of John Swain's death in 1749 Albemarle County had lost its distinction as a super county and a state, its precincts had themselves become counties and were being divided into other counties to provide a more orderly accomodation to the geography of the region; as well as other counties were springing up all around. John's brothers and his children followed the frontier as it expanded south and west.

Since compiling the above, several years ago, I have learned that "South Lancaster" was on the "South Shore", south of Albemarle Sound, in present Washington County. In 1706 this area was part of Chowan Precinct.

LLS

Editor's Note: We have been promised another installment of the Swain genealogy, bringing the family into, or near, the 20th Century.



OBITUARIES FROM MORATTOCK

April 1st 1899

"Sister Bertie Latham was bornd Dec 29 1857 Married to B.D. Latham Nov 26 1874 Joined the church at Morattoc July 19 1879. and was Baptised the following day by Elder N.H. Harrison and departed this life April 1st 1899 Age 42 years 4 months and 2 Days"

J.A. Harrison Clerk

Per B.D. Latham

April 7 1923

"Deacon B.D. Bateman and wife Mary departed this life only 5 hours between the deaths. Bro Bateman at 2 oclock AM Sister Bateman at 7 oclock AM. We have lost two devoted members from our body. We miss them but not as those without hope. We feel that they truly rest from their labors the Lord gave and the Lord hath taken away blessed be the name of the Lord."

W.B. Clifton, CC

(Records of Morattock Church: From microfilm, NC A&H.)

NOTES FROM THE MORTALITY SCHEDULE OF 1860

Beginning in 1850, and for four censuses thereafter, census takers were required to compile a "Mortality Schedule" of all persons, black and white, who had died during the twelve months preceding the census date. This Schedule gave such information as age, sex, status (slave or free), occupation, place of birth (state, country), month of death, and cause of death.

In addition to recording death data, some of the census takers made marginal notes on various topics such as crops, water quality, and prevalent human ailments.

Henry J. Starr, enumerator ("taker") of the Washington County Census 1860, recorded 107 deaths for the year prior to June 1, 1860. He accorded additional comment to four of the deceased in his notes, transcribed below.

"Rough" transcriptions of the entire Mortality schedules of 1850 and 1860 for both Tyrrell and Washington Counties are in the libraries of those counties.

WASHINGTON COUNTY, N.C. 1860 TRANSCRIPTION OF THE CENSUS TAKER'S NOTES FROM THE SEVERAL PAGES OF THE MANUSCRIPT

Chills and fevers is the most prevelent disease with us, and foreigners are more subject to it. until they become aclimated.

Ruth Furlough caught fire while the Lady of the house was out. and was so badly burned that she died almost immediately.

Charles Wiley was a soldier of 1812.

Our groath (sic) is varied. Pine, oak, Ash, Cypress, Juniper, and Gum is the principle groath, the County is level with flat swamps, which are generally very rich, with rather bad water, the Sandy or Piney woods is poor. and generally good water.

We have one spring near Plymouth, said to be mineral.

Joseph Garrett while under the influence of Liquor, intentionally took poison which immediately caused his death.

Franklin Everett, while under the influence of liquor fell overboard and drowned. There is several deaths of children, caused by something, which was owing to carelessness of the mothers.

DANIEL DAVENPORT

Some of the known facts about him:

- | | |
|----------------|--|
| 1748 | John Davenport, Sr. deed of gifts to his children: Richard; John, Jr.; James; Joseph; <u>William</u> ; Jacob |
| 1778 | Tyrrell Deeds show land grants from this time thru 1700s to Daniel Davenport. |
| 13 Oct. 1782 | William Davenport names in his will his wife Elizabeth Davenport and his eldest son James Davenport; son Daniel Davenport; son David Davenport; daughter Mary Hassell, wife of Zebedee Hassell |
| 12 March, 1786 | Tyrrell Marriage record to Sarah Nichols. She was daughter of James Nichols and Priscilla Hassell (dau. of Abraham Hassell, sister of Zebedee). Can trace this line to Edward Hassell in 1676. |
| 1790 | Tyrrell County Census shows Daniel Davenport with wife and 2 daughters. He is listed in 1800 but not in 1810. |
| 1803-1807 | Member of NC General Assembly (Senate) from Washington County (per John Hill Wheeler's <i>Historical Sketches of North Carolina</i>) from around 1800 and was reelected 1807 but died before he could be sworn in for 1808. |
| 1810 | Lucretia Comstock petitions for her Dower from "late husband, Daniel Davenport" (already married, so he died right at the end of 1807 or very early in 1808). |
| 1815 | Washington County Deeds show division of property of Daniel Davenport among 5 daughters: Asenath Davenport, Priscilla Long, Unisa Arnold, Elizabeth Davenport, Nancy Davenport. There are three tracts and the tract which fits the Mt. Tabor neighborhood contained a total of 996 acres. |
| 1815 | Washington County Tax List shows Abraham Davenport "for Asenath Davenport, Nancy Davenport and also for heirs of Jobe Comstock" (again question of Comstock connection!). |

Later deeds show these as heirs of Daniel Davenport: Asenath (m. Alexander Davenport), Priscilla (m. Thomas Long), Elizabeth Warrington (not sure of husband's name. She died 1828 and property divided among the four sisters), Unisa (also Unice/Eunice - m. Benjamin Arnold), Nancy (m. Andrew Bateman. Andrew died 1829 leaving one child, James T.).

Loretta Phelps is a descendant of Asenath and can connect directly with her. Can trace this line back to Hassell of 1676. Also have most of the forward lines of Asenath's family (only ones we can positively identify at present).

Property has been bought and sold several times. Some of it is now in the Davenport family name, but we are missing a link somewhere with the name. The present family does not connect so far.

Also, have only recently discovered Lucretia Comstock and do not know when he married her—or if some or any of the children are hers.

Also, need to check Revolutionary records etc. He was old enough to transact a land purchase in 1778, so he would have been of age to participate in 1776 and the following years.

VCH



CAREFUL, KIDDIES: BIG BROTHER'S WATCHING

North Carolina) At a Court begun and held for the County aforesd. at
Tyrrell County) the house of Mrs. Grace Friley's on the first
Tuesday in September Anno Dom. 1738.*

Present the Worshipfull Steven Lee Esqr. Judea, John Swain, William Gardiner, William Wilson, William Kennaday, Thos. Leary, Edward Phelps, John Ford, Gent. Justices.

.....Then the Grand Jury was sworn Vizt. Mr. John Gardiner, Mr. John Stancill, Mr. John McCaskey, Mr. Epenetus Griffin, Mr. Denis Glisson, Mr. James Glisson, Mr. Joseph Spruill, Mr. Henry Norman, Mr. John Devenport, Mr. John Swain, Mr. Giles Long, Jr., John Long, Jr., John Swinson, Mr. William Rhodes, Mr. Jacob Blount, Mr. John Duggen, Mr. Martin Griffin who return the following Presentment, Vizt. We present Edward Overstreet for Living in Fornication. We present Richd. Sparkman for living in fornication with Sarah Stancill. We present Joseph Pendul for Living in Adultry with the wife of John Page. We present Henry Middleton for living in Adultry with Dorcas Brownney.

*We give the date as it appears in the Minutes. That it should be "1739" is proven by prior and subsequent entries.

SOME HEADRIGHTS

These may certify yt. at a Crt. holden for the prcinct of Chowan ye Second of July 1694

Godfrey Spruell proved these Eight rights as followeth: Godfrey Spruell Sen., Joana Spruell, Susanah Spruell, Anna Margeritta Spruell, Saml. Spruell, Godfrey Spruell junr., Nicholas Phelps, Sarah Walker. Attest: Nathanl. Chevin Crk.⁽¹⁾

This may certify all whom it may concerne that Robert White has proved Nine Rights whose names are upon Record Namely Robert White, Mary White, Vincent White, Robt. White, Cutbert Phelps, Thomas Evins, John DA____(torn), Thomas Jones, & Anne Jones. Certified ye 18 1694 P: Ewd Mayo Clk. and a Wart. Given ye 20th August 1694⁽¹⁾

At a Court Houlden for the prcinct of piquemon At ye house of Mr. James Oats ye Secont Monday in July 1698.....Hennerly Norman proved Rites for eight Psons transported Into this County Whoes Names are under Wreten vis him Self Mary his Wife Andrew Ross Mary Ross, Thomas Ross John Simmons Georg Waide James Ross⁽²⁾

To the General Court (apparently October 1698. ed)

Anthony Alexander humbly Sheweth That he hath right to 200 acres of land by the Importation of himselfe An his wife Anthony his son and Jno. Mason his servant which he is ready to prove and prays a Certificate and shall pray.

(Endorsed)

W. Glover Clerk⁽³⁾

Anthony Alexander

Most of us know that the date of proof of headrights is not always the year of arrival in the colony. As we see above, Henry Norman proved his rights in 1698. However, Henry is known to have purchased land in Perquimans in March 1685, and to have begun jury service in April of that year. His wife, Mary, named as a "right" had died in 1691. Henry was now married to the widow Ann Walker Hancock.

Some years ago in Vol. I, *Colonial Records*, I discovered a researcher's notation, written with fountain pen across the top margin of page 494, "John Simmons imported 1698 with others." If that low-down defacer of books entered that in his family history, he was wrong by at least thirteen years. Served him right!

EAN

⁽¹⁾ From *Old Albemarle County, Book of Land Warrants & Surveys*. Transcribed by Haun.

⁽²⁾ *Colonial Records*, Vol. I, p 494.

⁽³⁾ *Higher Court Records 1697-1701*: NC A&H.

MT. PLEASANT 1889 **A Community Divided**

Mt. Pleasant Missionary Baptist Church is three miles north of Creswell, and less than two miles west of the Tyrrell County line. Its members were drawn from both counties.

The signers of the first of the following petitions were mainly members of Mt. Pleasant. Many Episcopalians and Methodists are recognized among the signers of the second petition presented in opposition of the first. Note that no women signed the second petition.

Washington & Tyrrell Counties

To The Honorable the General Assembly of the State of North Carolina

The petition of the undersigned citizens of the Counties of Washington & Tyrrell in said State, respectfully sheweth that intoxicating liquors are made and sold within three miles of Mount Pleasant (Missionary Baptist) Church, which privilege is detrimental to the cause of Christianity & demoralizing to the community. Hence your petitioners pray that your Body pass an act forbidding, or prohibiting the manufacture & sale of any spiritous or malt liquors of any kind, within ~~three~~ two(2) miles of said Church--

And your petitioners as in duty bound will ever pray---

Names

Sallie N. Brickhouse	Frank N. Brickhouse	Anna R. Owens
H.A. Litchfield	Amanda F. Spruill	Emma Belanga
Lavora(?) Bateman	Sarah F. Davis	D. Cahoon
Kittie D.(?) Norman	Irene Litchfield	Pennelope Stealman
J.H. Everett(?)	Amanda M. Norman	H. Walter Phelps
Mary A. Norman	Fannie E. Norman	Jas. F. McCabe
John W. Norman	Milissa M. McCabe	J.L. Hassell, MD
Mary J. Norman	Hattie Phelps	W.J. Dillon
Sarah A. Norman	J.J. Phelps	Wm Wiley merchant
Lizzie A. Davenport	L.M. Phelps	J.L. Howell J.P.
Z.L. Davis	F.L. Brickhouse	

To The Honorable Members of the General Assembly of North Carolina
 Greeting

We the undersigned citizens of Scuppernong Township Washington County respectfully request your Honorable Body to take notice of the following facts Viz. That this is an answer to a former petition presented to your body to prohibit the sale and manufacture of Spiritous liquor within three miles of Mount Pleasant Church in this township. This is to request your Honorable body to take notice that there are three small stills within these limits and the distillers are active members of said Church distilling their own fruit as a means of support. They are quick and orderly men and we urgently request that the Manufacture of Spiritous liquors may not be interfered with by your Honorable body.

Very Respectfully

Wm A. Spruill
 H.A. Davenport
 George Tarkenton
 D.H. Holmes
 John J. Rowe
 R.E. Ambrose
 William H. Hardison MD
 J.H. Bateman
 T. ? Holmes
 Eugene McCabe
 S.S. Comstock
 S. Armstrong
 H.W. Phelps
 Wilson Oliver
 Alfred Alexander
 Jas. F. Davenport
 D.F. Barnes
 W.J. Marcer
 M.M. Alexander
 C.C. DeCormis
 Jeremiah Stillman
 W.B. Bartemon(?) (Bateman?)
 Andrew Bateman

Edmond Sexton
 H. ? Spruill, depty Shiffe
 Jordan Sexton
 J.W. Spruill
 Thos B. Bateman
 J.L. Hassell
 A.G. Walker
 William Godwin
 G.W. Bateman, Jr.
 S.J. Bateman
 James Brickhouse
 C.B. Phelps
 L.B. Davis
 H.T.(?) Hassell
 C.R. Davis
 Mathias Owens
 Atney(?) Davenport
 Samuel Jarvis
 John J. Ward
 A.E. Mason
 John J. Jarvis
 Daniel __eston

SMS

(Petitions from NCA&H, Series GASR, Box 21, Folder: Jan-Mar 1889.)

A HOMESICK SON OF OLD MT. PLEASANT

Arthur Norman (born c. 1862) was son of Wilson A. and Sarah Rowe Norman, whom we met in our April 1995 Journal. This letter, written five years before the foregoing petitions, indicates that he was a rather straight-laced young Baptist, but not without a sense of humor. He seems to have shared his mother's (Sarah signed the petition) views on spirituous liquors. In a letter to his uncle Jesse Norman, written in 1884, he exclaims, "Oh, how I would like to hear a good Baptist sermon." He is said to have committed suicide, in Louisiana, "before 1928".

This letter was written to his cousin Alethia Norman (1849-1935), daughter of Jesse Norman (1821-1885). The letter was loaned to us by Alethia's great-niece, Florence Litchfield Chitty of Exeter, New Hampshire.

Donalsonville, La
Jan 19th 1884

My Dear Cousin

You may think strange of seeing that I am in Louisana instead of Florida. I went to that land of flowers where the orange blossoms are and summer ever lingers on the air.

I did not like it at all, so I concluded that I would come to the sugar country and I am here among strangers and a people that are regardless of anything except money.

They don't think of keeping Sunday it is a day set apart for sporting such as horse racing duck shooting and every thing except something good. There is no law to prohibit men from selling whisky and doing any thing they like to do. There is not a Baptist Church in all this county Most of them that belong to any church belongs to the Catholic and to my mind it is as good as none.

..... (We have deleted about one half of the letter. ed)

Good Bye Write soon to your affectionate cousin

Arthur

P.S.....I feel lonely.

Heirloom Still Stolen From Creswell Farm

Creswell, Apr. 5.—The rarest robbery ever to take place in this section, happened either Saturday or Sunday night when thieves entered a store house on the farm of H. A. Norman who lives near here and stole a liquor still with a 45 gallon capacity.

The still which was the property of Mr. Norman's grandfather had been kept as a family heirloom for several years. The sheriff was notified by Mr. Norman of the robbery. The still was a bonded still legal to operate in past years.

I clipped this item in 1942 or '43, probably from the Elizabeth City *Daily Advance*. During W.W.II legal whiskey was rationed, and the demand for "bootleg" was soaring. Also, copper was vital to war production, and brought a premium price. We will never know the fate of the antique still—production or recycling.

The still, I well remember, was of copper, and obviously the work of a skilled craftsman. Kettle, cap, and coil ("worm") were in splendid condition, and seemingly as serviceable as when created before the Civil War.

In 1889, the year of the Mt. Pleasant petitions, this still was located on the farm of Eli Snell almost exactly three air-miles from Mt. Pleasant Church. We presume that it was then, in season, distilling apple and peach brandy. It's unlikely that it was one of those stills referred to in the petitions, as their owners were alleged to be members of Mt. Pleasant. Eli was of the Methodist Episcopal persuasion. Also, I'd bet my demi-john, if his still had been threatened, his signature would have been on the second petition.

EAN

JOHN CLAYTON

Becoming Acquainted With A Great Great Great Grandfather

FAMILY GROUP SHEET				Husband's Code	Wife's Code
HUSBAND'S NAME <u>John Clayton</u>					
Date of Birth		Place			
<u>night of 23 August, 1814</u>		<u>Perquimans County, NC</u>			
Date of Death		Place			
<u>night of 23 August, 1814</u>		<u>His yard; Cum Neck, Tyrrell County, NC</u>			
Present Address (or) Place of Burial					
His Father		His Mother's Maiden Name			
<u>John Clayton</u>		<u>Rebecca Wood</u>			
Date of Marriage of HUSBAND and WIFE on this sheet		Place			
<u>bond 1 June, 1783</u>		<u>Perquimans County</u>			
Check here if there was another marriage: By husband <input type="checkbox"/> By Wife <input type="checkbox"/> Was this couple divorced? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> When? <u>c. 1797</u>					
Separated? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (Use separate sheet for each marriage)					
WIFE'S MAIDEN NAME <u>Sarah Sutton</u>					
Date of Birth		Place			
<u>c. 1815</u>		<u>Perquimans County</u>			
Date of Death		Place			
<u>c. 1815</u>					
Present Address (or) Place of Burial					
Her Father		Her Mother's Maiden Name			
<u>Joseph Sutton</u>		<u>Mary</u>			
<p>Items of interest about the above couple (occupations, hobbies, achievements, social, civil, and political activities; physical descriptions—include photos if possible; military service; cause of death): <u>John to Tyrrell by 1790. Constable, patroller, overseer of road. Captain, later Colonel, of Tyrrell Militia. Colonel during "insurrection" of 1802. Justice of the Peace. Five consecutive terms (1799-1803) Tyrrell Rep. in General Assembly. Allegedly lived with mistress Elizabeth Jarman (a.k.a. "German") in his home from Jan. 1800. Murdered (shot) by Barney Jones. Jones convicted and hanged.</u></p> <p style="text-align: right;">Use reverse side for additional information</p>					
Have family sheet	By wife CHILDREN (Arrange in order of birth)	Code	Birth Information	Death Information	Marriage Information
	1 David	②	c. 1784 Perquimans	c. June 1857 Tyrrell County	bond 4 Feb., 1802 Charlotte Armstrong
	2 Benjamin Sutton	②			26 Nov. 1811 7 Sept. 1819 Betsey Cahoon 2. Saley Cahoon
	3 Mary	②			bond 21(?) Apr. 1806 Charles Armour
	4				
	5				
<p>"Several" children by "Betsy" Check here if there are additional children <input type="checkbox"/></p> <p>Jarman. Two, at least, legitimated: Selecta (never married); Cynthia—married Wm. Smith 1816</p> <p>Footnoting. To substantiate the information recorded on this page, please use the footnotes listed below. One of these numbers should be placed in the circle provided next to each answer on the questionnaire. If you got the information from a source not listed, place that source on a vacant line and use the number next to which it has been placed as your footnote number.</p> <p>Use ① only if you have filled in the blank from personal knowledge (such as the name of your brother). If you must look up his marriage date, give the source wherever you looked it up. If you asked him, give his name as the source.</p> <p>① Name and address of person filling in this sheet. Date <u>Revised June 1995</u></p> <p>Edwin A. Norman, POB 754, Plymouth, NC (egg grandson of subject)</p> <p>② Tyrrell County Court Minutes ⑨ Tyrrell Census: 1850</p> <p>③ Tyrrell County Marriage Bonds ⑩ Tyrrell County Wills</p> <p>④ Perquimans County Marriage Bonds</p> <p>⑤ Tyrrell Estate Records: Stephen Bradley, Jr. For comments on John's death,</p> <p>⑥ Perquimans County Deeds see Pettigrew Papers I p466</p> <p>⑦ Original Court Documents: NC A&H</p> <p>⑧ Perquimans County Wills</p>					

JOHN CLAYTON

"Perhaps Not A Very Good Man"

Ebenezer Pettigrew, writing to his future father-in-law William Shepard a few days after the murder of my great great great-grandfather, uses the above description.¹⁾ Pettigrew, a "good" but rather prudish gentleman, undoubtedly had in mind John's rather unusual marital and extramarital history.

John, as shown on the preceeding Family Group Sheet, was murdered at his home in Gum Neck in 1814. The murder is very well documented in the Tyrrell Superior Court Minutes and numerous documents in the North Carolina Archives. I will probably do a future Journal article on that dark deed. But now, we will look into John's family affairs.

John Clayton married Sarah Sutton Clayton²⁾, widow of his older, deceased brother Richard Clayton, in 1783. Three children quickly followed this marriage.

I first sensed that something was amiss when, in 1797, John was appointed guardian "to his three children, David (who would become my great great-grandfather), Benjamin Sutton, and Mary Clayton. We may assume that this was shortly after Sarah and John separated.

What manner of husband was John? The will of Asher Clayton of Perquimans, John's nephew/step-son, probated in 1801, may give a clue.....or may merely give a maliciously biased thrust. "I lend to my mother Sarah Clayton one bed & also the sum of five pounds yearly out of my Negro's hire during her discontinuation from her husband, a cruel monster." Sarah, I believe, was then living with this son of her first marriage. She died in 1815.

Was John grazing outside the home pasture, and with whom, prior to the separation? We shall probably never know.

In 1801, the Legislature was petitioned to change the name of Selecta and Cynthia "German" to "Clayton"³⁾. No parent was named in the brief transcription that first came to my attention, but I was pretty sure that they belonged to granddaddy.

Then came a historian writing on illegitimacy in early North Carolina, who reported: "That the fact that stigma was attached to illegitimacy is indicated by some of the petitioners to the Legislature. The petition of John Clayton of Tyrrell County stated that 'your petitioner has had the misfortune to become the father of two illegitimate children'".⁴⁾

This doesn't sound like a man writhing beneath a stigma. To me, John was expressing annoyance rather than shame or contriteness. We can be pretty sure that he delivered his own petition, because in 1801 he was squarely in the middle of his five terms as a Tyrrell County representative.

The two legitimated children didn't disappear from our view—Cynthia married William Smith in 1816; Selecta is found unmarried in the Tyrrell Census of 1850.

No other records of John's domestic life have surfaced for the period from 1801 to 1813, when we have the following:⁵⁾

State of North Carolina)
Tyrrell County)

January Term 1813

The Jurors upon their oaths present that John Clayton a married man and Betsey Jarman a single woman both of the County aforesaid from the first of January 1800 to the findings of this inquest have lived together at the house of the said John Clayton in said county and bedded and cohabited together committing the crime of adultery and fornication, and that the said Betsey Jarman has had several children by the said John Clayton without their ever having ever been married since living together to the evil example of all christian people, and to all people in like manner offending, against the Act of Assembly in like cases made and provided, and against the peace and Dignity of the State

L. Martin
Atty for State

I have not discovered why, or by whom, this action was initiated. Given John's prominence within the county, almost everyone had certainly known for years of his and Betsey's cohabitation.

No records have yet been found of this case ever coming to trial. I do think that the indictment somehow relates to the case recorded below, and to John's murder in 1814.

State)	Indictment	8 November 1813
vs)	Assault With	Jury impanelled and sworn say
John Clayton)	Intent to Kill	that the defendant John Clayton
			is guilty

Ordered by the court that the said Defendant John Clayton pay a fine of one pound and be imprisoned seven days ⁶⁾

The court minutes don't give the name of the person(s) assaulted or the nature or provocation of the assault. Betsey, I trust, sent goodies up from Gum Neck to make the seven days less onerous. John continued to serve as a Justice of the Peace. He was on the Bench at July Term 1814, one month before his death.

- 1) *The Pettigrew Papers*. Vol. I. NC A&H.
- 2) *Tyrrell County Court Minutes*.
- 3) Transcription in *NCGS Journal*. 1976 p. 53.
- 4) *Ante Bellum North Carolina*. Guion Johnson. UNC Press. 1937.
- 5) *Loose Papers*. NC A&H.
- 6) *Tyrrell County Superior Court Minutes*. NC A&H.

EAN

LUNCH, ANYONE?

North Carolina)
Tyrrell precinct) At a Court begun and held for the said Precint, at
 the house of Mr. William Fryelis on the first Tuesday
 in September anno Dom: 1736

Present the (Wm. Downing)
 Worshipful (Stevens Lee)
 (Richd. Leary)
 (Wm. Gardner)

.....Complaint of William Fryley and Grace his wife against Mary
Perrine for Scandalous words Spoke against the wife of said Fryley (vizt) the
said Mary Perrine accused the said Grace Fryley with Eating of a Lunch of hers
and other Scandalous words and the matter being duly argued and fully
understood by the Court (it) is Ordered as the said Complaint is not well
supported. that the Said Mary Perrine be Discharged from the Same.....

We print the above for three reasons:

1. It was probably not funny to the principals, but it's one of the rare court entries that tickles Our funny bone.
2. We can imagine the Fryley's indignation at the verdict. "Good Lord, William. We let the scoundrels use our home for their courthouse, and they throw out our case!"
3. The use of the word "Lunch" surprised this reader. Have you seen it used anywhere else in our colonial records? *Oxford Universal Dictionary* indicates that it wasn't in general use until the 1800's, although "Luncheon" dates back to 1652.



The....greatest care in this life, ought to be in choice of thy wife, and the
onely danger therein is Beautie, by which all men in all Ages, wise and foolish,
have beene betrayed. And though I know it vaine to use Reasons, or Arguments
to dismay thee, from being captivated therewith, there being few that ever
resisted the Witcherie; yet I cannot omit to warn thee, as of other things, which
may bee thy destructio for the present time.....

From Sir Walter Raleigh's
Instructions to His Son
and to Posterity

EDWARD SMITHWICK & THE LOGG HOUSE

Edward Smithwick Aged Thirty three yeares or thereabouts Deposeth saith That on the 30th day of June 1680 Mr. Robert Holden Caused the Deponent to be brought before him the said Holden with a warrant under his owne hand in his owne name to the house of Anthony Slocumb Esqr. where your deponent was much abused by the said Holden Calling your Deponent Rascall and Incorrigible Rogue and severall other such like words On the 1st of July 1680 Your Deponent was comitted A Prisoner without bayle or Maineprize In the Face of Chowan precenct Court by the said Holden to the Custody of Capt. Woollard on the Second of July the yeare 1680 your Deponent was arrested in prison in an action of Ditteny by the said Holden and at the suite of the said Holden On the sixth of July Your Deponent had bayle aforded him Your Deponent putting in bond to Answer to what the said Holden had to Alleidge against your Deponent On or about the Twelfth of September Capt. Woollard seized your Deponent as his Prisoner he not showing your Deponent any warrant or Mitemus For the same Your Deponent being kept under the said Woollards Custody till October the 20th or thereabouts from thence the Deponent was Fetcht away by Mr. Holdens Order by two Men in Armes on board of a boat where the said Holden was and carryed to the house of Anthony Slocumb Esqr. where he the said Holden caused your Deponent to be pinionoed with a lyne and soe Carryed your Deponent to Colonel Jenkins then Governor where the Deponent was putt into the Custody of Charles Jones then Deputy Marshall to be conveyed to the Logg house in Piquemons precinct where your Deponent was kept three weeks or thereabout not haveing the Liberty to walk without the prison dore with the keeper to Refresh himself butt was forced to Eat drink lye and ease Nature under one Roofe till your Deponent with severall others Mr. Wilkeson John Kinsey and the woeman accused for witchcraft were almost poysoned with the Noysom sent of our owne Excrements from thence your Deponent was brought to the house of Mr. George Durant and there kept in a Close Roome under a guard Not haveing the Liberty of any friend to discours with your Deponent excepting your Deponents wife Nor have the Liberty to goe out upon any occasion without a Man or two in Armes to guard your Deponent Nothwithstanding your Deponent was Indicted butt by whome your Deponent knowes not butt Inquirey was made by the Grand Jury which Jury brought their Virdict in Ignoramus And further your Deponent saith not.

Sworne in Court

Edward Smithwick

(Higher Court Records: NCA&H)

This deposition (and several others taken about the same time, for the same case) contains probably the first mention of a house in Carolina built of logs. The "Logg House in Perquimans" may well have been the first "official" prison in the Colony. The term "under one roofe" seems to indicate a one-room structure. Here, too, we seem to have our first recorded mention of a person accused of witchcraft.

The Smithwick family would be prominent on the South Shore by the early 1700's. In 1768, an Edward Smithwick would collect bounty, for wolf scalps, from the Tyrrell County Court.

Some of the legal terms in this deposition are not found in many glossaries. The following definitions are found in the *Oxford Universal Dictionary*.

Dittay ("Dittany" in the above): The ground of indictment against a person for a criminal offense.

Ignoramus: Not a true bill.

Mainprize: The action of procuring the release of a prisoner by becoming surety for his appearance in court at a specified time.

Mittimus: A warrant directed to the keeper of a prison.

EAN



EARLY ALEXANDER BIRTHS IN PERQUIMAN

Anthony Alexander, son of Anthony and wife Ann, was born Oct. 1, 1691.

Mary Alexander, daughter of Anthony and wife Ann, was born Sept. 20, 1696.

Ann Alexander, daughter of Anthony and wife Ann, was born Mch. 7, 1697-8.

Saul and Benjamin Alexander, sons of Anthony and wife Ann, were born Dec. 9, 1700.



PREACHING

Next day, Sunday July 31 (1763), I told him (Johnson) I had been that morning at a meeting of the people called Quakers, where I had heard a woman preach. Johnson. "Sir, a woman's preaching is like a dog's walking on his hind legs. It is not done well; but you are surprised to find it done at all."

The Life of Samuel Johnson
James Boswell (1740-1795)

MAYHEM

G.G. Johnson, writing of the "Social Characteristics" of our Ante-Bellum ancestors, states that "When an issue arose between individuals, the yeomanry was likely to resort to a trial by physical combat.... Sturdy North Carolinians", Johnson continues, "did not as early forget their frontier tactics of gouging and biting as their betters would have desired." In 1810 the *Raleigh Star* was indignant at the statement in a Georgia newspaper that "A North Carolinian cannot salute you without putting his fingers in your eyes."

By 1831, punishment for the first offense of "Malicious" maiming was two hours in the pillory followed by 39 lashes on the bare back. For a second offense, death was decreed. Maiming "without malice" was punished by a fine and six months imprisonment.

While gouging and biting gradually declined, Mr. Johnson found "a few such indictments as late as 1840." How right you are, Mr. Johnson! We who have read the Minutes of the Washington County Superior Court know that one of the 1840 cases was Ours.

MAYHEM BY TORCHLIGHT A Washington County Incident

In our case, only the surnames of the combatants are given, with the exception of the defendant being later further identified as "H" Girkin.

STATE)
VS) Indict. for Biting off ear
GIRKIN)

(Note: This case obviously fascinated the taker of the minutes, as he reported, in great detail, the testimony and the charge to the jury. Few murder cases are accorded, in the Minutes, the space granted this case of simple mayhem. For our abstractions and omissions of large portions thereof, we beg your forgiveness.....or gratitude.)

One Watson whose ear the indictment charges had been bit off swore that he and the defendant got into a quarrell. Defendant siezed him. They fell to the ground, Watson on top. Defendant immediately turned him, and got on top. About that time Watson bit off a piece of Watson's ear (the part taken off appeared to be the section of a circle about one inch along the rim of the ear and about a quarter of an inch deep into the grizzle and was about a fifth of the ear.

Two other witnesses stated the transaction as Watson had with the differance...after defendant got on top the parties did not appear to be hurting each other & apparently did but little, when defendant reached his mouth down to Watson's ear. Watson immediately cried "take him off". and they did so and discovered that a part of Watson's ear had been bit off. The fight took place after night by toarchlight.....

Defendant's counsel insisted.....that biting off a part of the ear did not come within the Statute. The Court held and so charged that, to constitute the

offence, it was not necessary that the whole of the ear should be taken off. It was sufficient if a part was taken off, provided that part was not mearely the outside skin. but extended into the grizzle and was so large as to make it persepitable to any one that a part of the ear was gone. That the part taken off of Watson, as apparent to the court, by inspection, was large enough to come within meaning of the Statute.

The Court charged that one object in passing the Statute was to prevent a resort to biting as a mode of fighting. It was not necessary to show malice aforethought or a preconceived intention—the Statute would include a case when the idea of biting off the ear was not conceived until the fight commenced.

We omit most of judge's very lengthy charge to the jury, but include the following because it mentions other acts of mayhem that fell under the oft-referred-to Statute. ".....but if the intent was to make Watson let go his finger and the act was done in self defence, then the defendant would not be guilty. When however a defendant wished to excuse himself upon the ground of self defence the burden of proof was on him, and the jury must be satisfied that the defendant being pressed to the wall, that is being in a situation from which he could not extricate himself was compelled to do on illegible he himself greatly enjoined as if one man has another down and is about to bite off his nose or save himself by gouging the eyes, biting off the ear, or even killing his antagonist, the law of nature and the law of the land excuses the act, because it was necessary in self defence."

The jury returned a verdict of "Guilty". Motion for retrial was overruled. Case was appealed to the State Supreme Court, which upheld the conviction. The Minutes do not reveal the sentence.

The Census 1850 indicates that all of Washington County's Girkins and Watsons then lived in Plymouth District. One of the Watsons was a clergyman, and may, perhaps, be assumed not the victim in this case.

OF EARS LOST LEGALLY

Samuel Pricklove, living north of the Sound was sentenced in the late 1600s to lose an ear. His offense was of a political nature.

In 1823, Bryant Waters was sentenced in Washington County Superior Court, "to stand in pillory one hour, then to lose both ears. The ears to be nailed to the pillory 'til sunset." New trial was denied. The Minutes do not give the offense.

EARS LOST ACCIDENTALLY

From Minutes of the Tyrrell County Court. January Term 1773. "On application of John Norman to have a record made of his half-brother's loseing his ear. it is granted and made

satisfactory to the Court that Francis illegible hath by the bite of a horse lost the lower part and part of the rim of his ear."

Present-day Normans assume that their ancestor, John, was trying to insure that his half-brother did not go through life under the suspicion of having lost his ear in a brawl.

EAN



"AN OLD AND RESPECTED CITIZEN PASSED AWAY"
(The Roanoke Beacon. March 20, 1908)

Our community is deeply grieved in the removal from earthly labors of one of one of its oldest and respected citizens, Mr. Samuel Woodley. Mr. Woodley had been in failing health for several years, and on Tuesday the 3rd inst. he fell into a critical state of illness from which he did not rally but sank quietly to sleep on the 8th.

The deceased was 79 years old, and was a native of Washington County. He led an active business life until the time of his declining health. He was a true and faithful member of the Protestant Episcopal Church and held the office of Senior Warden in St. David's Parish for twenty years. He was a man of a kind and generous nature, which won the confidence and esteem of many who had the highest regard for him as an honest and valuable friend.

Mr. Woodley is survived by two daughters, Mrs. Sadie Alexander and Mrs. Henry Phelps.

The funeral services were conducted from the residence Monday afternoon by Rev. Luther Eborn.....



RHODA SPRUILL
(The Raleigh Star. 28 May, 1829)

Died at Cool Spring in Washington County, on the 4th ult., Mrs. Rhoda Spruill. wife of Hardy N. Spruill, Esq., Post Master of that place.

CAPTURE AT SEA

State of North Carolina, Port Roanoke:

In pursuance of the resolution of the continental Congress on the sixth day of April, in the year of our Lord One Thousand Seven Hundred and Seventy Six.

These are to certify whom it may concern that Samuel Butler maketh oath that the Schooner called the Hiram of Edenton whereof Burton Hathaway is at present master being a Square Sterned vessel of Fifty tons, or thereabouts, was built in the above State In the Year of our Lord 1778. And that Whitmel Hill & Company are at present owners thereof, dated at the custom-house at Edenton the nineteenth day of June 1779

Mich Payne

Shipped by the Grace of God.....(the next 1 1/2 lines are illegible).....Master, under God, for this present voyage Burton Hathaway...and is now riding at anchor in Edenton Bay, by God's Grace, bound for St. Croix.

Forty One Hogsheads of Tobacco & Seven Hundred Weight of Loose Tobacco...being Marked and numbered as in the Margin, and are to be delivered, at the aforesaid Port of St. Croix...(the Danger of the Sea only excepted) unto Mr. Henry Hill.....with Primage and Average ? And so God send the good Ship to her desired Port in Safety. Amen. Dated in Edenton 10th June 1779

Burton Hathaway

I Walter Gray Chief Mate of His Majesty's Armed Brigantine called the Botetourt and Prize Master of the Prize Schooner herein after mentioned maketh oath That the Papers herewith annexed and marked from N.1 to N.4 inclusive are all the Papers Sea Briefs Charter ? Bills of Lading Cockets Letters and other Documents (and) Writings which were delivered up or otherwise found on board of the Schooner called the Hiram whereof Burton Hathaway was Master and lately taken by His Majesty's Armed Brigantine the Botetourt commanded by Captain Daniel ? at which Capture this Deponent was present— And the said Deponent further maketh Oath that the said Papers and Writings are brought and delivered in as they were received or taken in without any Fraud Addition Subdivision of Embezzlement saving the Numbering thereof.

Sworn at Portsmouth in the
County of Southampton the fifth
Day of August 1779 Before me

Walter Gray
In the Presence of

James Allard

George Binstead
Notary Publick

(We will meet Capt. Hathaway again in a future article on his descendant, J.R.B. Hathaway. ed)

(Documents Courtesy of Philip Hathaway.)



JAMES FEWOX
Colonial Counterfeiter

Crown versus Fewox
Albemarle

The deposestione of Henry Norman Ages 48 or their abouts deposest that Peter Middellton according to youre Deponents Deposetione Doth Sweare Thet Some Toolles Mr. Fewox Fech out of Virginia by the said Millelltons Conffestione they weare Fewoxis Toolles and that the Said Fewox brought them out of Virginia and that Mollines Was allonge with them to Dow itt that is to be said to quoine money.

From Courts Held By The Council, Nov.-Dec. 1696

The depersission of Sammuell Slaid Aged twenty one yers or thereabouts doth declare that Charles Thomas and Fewoxes wife Came to the Banke whare he was at night and the next morning the Cinnow was gone and the said Fewoxes wife had the Saiels and She said that she would Carrey them into Vergenna and when the Cinnow was found Charels Thomas came and took the Cinnow and Sammuell Paine Came with a warrant as he Said he had and Charels Thomas tould him whare the Cinnow was and (torn) Cinnow and Cared it away and furdur Saith not.

Sammuell Slaid his mark

September the 30 day 1697 Sworn before me. Rich. Sanderson juner
General Court, Oct.-November 1697

James Fewox being bound over to appear this day and he being a person of very evil fame and suspected to have been a very great coyner and disperser of counterfeit money and having fled upon the same account Ordered that the Marshall take into Custody the body of the said James Fewox and him in safe Custody to keep till he give good and sufficient surety for his appearance th 2d

day of the next General Court and for his Good abearance in the meantime and pay Costs.

General Court, July 1698

North Carolina. To the Generall Court.

To the humble petition of James Fewox Humbly sheweth that wheareas many Complaintes hath bene made unto this honorable Court Against your honors petitioner in so much that your poore petitioner hath bene bound To his good Abearing and for his Apearance at this Court which is very Burdensom to your poor petitioner in his expence and losse of time wherefore your humble petitioner humbly prays your honors in Commiseration of your petitioner and his wife and Children will bee please lett him have upe his bonds and he your petitioner do faithfully promise with goodes Assistants so to behave himselfe for the futer in all Dutifull obedance to the Government and all the inhabitants of the same and shall by all meanes and ways strive to shew my most hearty and humble thankfullness and shall allwayes pray for the prosperitye of the Government and your honors.

James Fewoxe

General Court, Oct. 1698

(James's "humble petition" apparently had the desired effect. We hear no more of this case that had his feet to the fire for at least two years. He will soon turn up on the South Shore in the company of such as Dr. Godfrey Spruill.)

(Higher Court Records: NCA&H)

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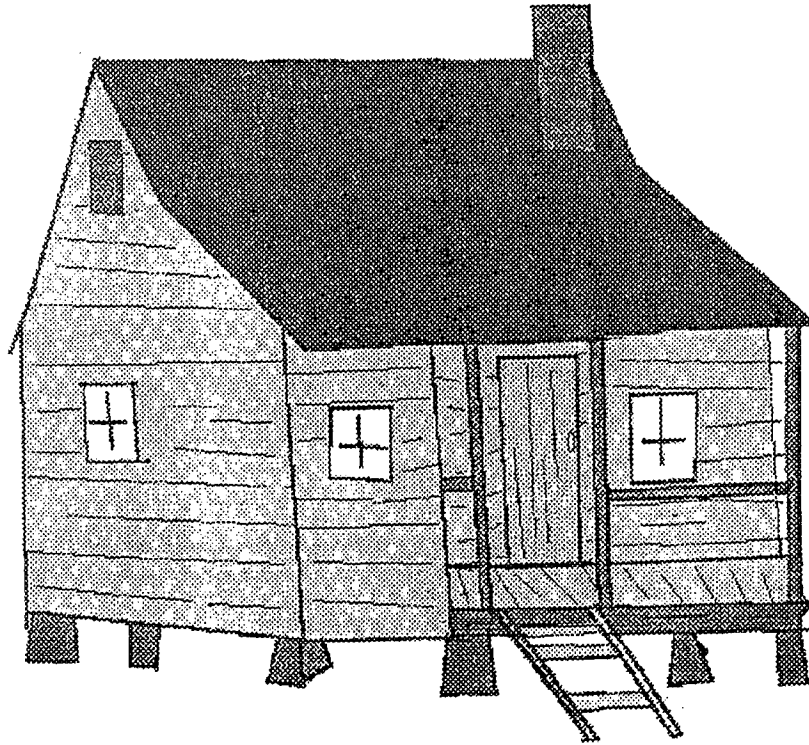
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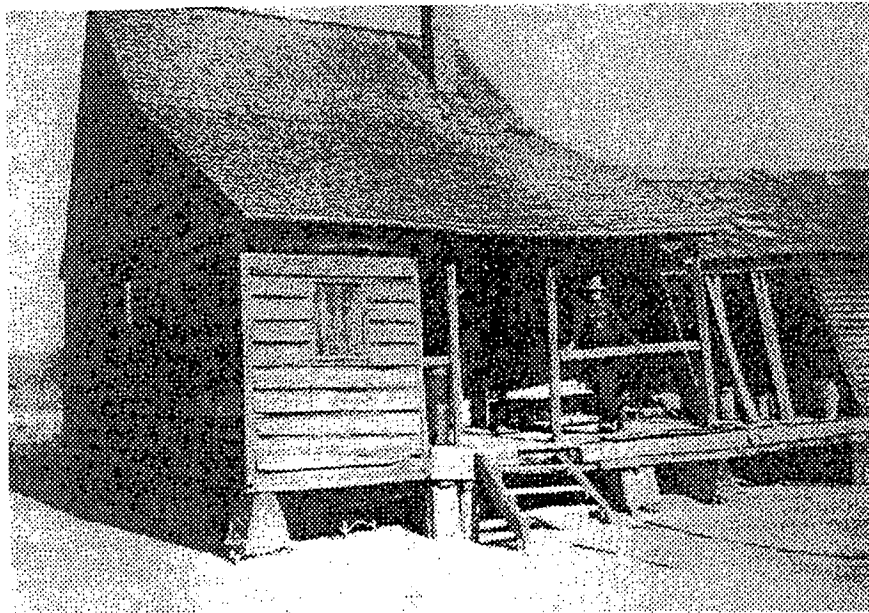
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THE DANIEL DAVENPORT HOUSE
Mt. Tabor Community, Creswell, NC



Original (c. 1770-1790) Structure
Drawing: Virginia Haire



1954 Photo. Add-on kitchen later destroyed by storm.